

LOCAL ELECTION AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jani Iwamoto

House Sponsor: Norman K. Thurston

LONG TITLE

Committee Note:

The Government Operations Interim Committee recommended this bill.

Legislative Vote: 13 voting for 0 voting against 3 absent

General Description:

This bill amends provisions relating to cancelling a local election or a race in a local election.

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ describes the circumstances under which, and the method by which:
 - a municipal legislative body may cancel a local election or a race in a local election; and
 - a local district board may cancel a local election or a race in a local election.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-206, as last amended by Laws of Utah 2021, First Special Session, Chapter 15



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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-1-206** is amended to read:

**20A-1-206. Cancellation of local election -- Municipalities -- Local districts --
Notice.**

~~[(1) A municipal legislative body may cancel a local election if:]~~

~~[(a) (i) (A) all municipal officers are elected in an at-large election under Subsection
[10-3-205.5\(1\)](#); and]~~

~~[(B) the number of municipal officer candidates, including any eligible write-in
candidates under Section [20A-9-601](#), for the at-large municipal offices does not exceed the
number of open at-large municipal offices for which the candidates have filed; or]~~

~~[(ii) (A) the municipality has adopted an ordinance under Subsection [10-3-205.5\(2\)](#);~~

~~[(B) the number of municipal officer candidates, including any eligible write-in
candidates under Section [20A-9-601](#), for the at-large municipal offices, if any, does not exceed
the number of open at-large municipal offices for which the candidates have filed; and]~~

~~[(C) each municipal officer candidate, including any eligible write-in candidates under
Section [20A-9-601](#), in each district is unopposed;]~~

~~[(b) there are no other municipal ballot propositions; and]~~

~~[(c) the municipal legislative body passes, no later than 20 days before the day of the
scheduled election, a resolution that cancels the election and certifies that:]~~

~~[(i) each municipal officer candidate is:]~~

~~[(A) unopposed; or]~~

~~[(B) a candidate for an at-large municipal office for which the number of candidates
does not exceed the number of open at-large municipal offices; and]~~

~~[(ii) a candidate described in Subsection (1)(c)(i) is considered to be elected to office.]~~

(1) As used in this section:

(a) "Contested race" means a race in a general election where the number candidates,
including any eligible write-in candidates, exceeds the number of offices to be filled in the
race.

(b) "Election" means an event, run by an election officer, that includes one or more
races for public office or one or more ballot propositions.

59 (c) (i) "Race" means a contest between candidates to obtain the number of votes
 60 necessary to take a particular public office.

61 (ii) "Race," as the term relates to a contest for an at-large position, includes all open
 62 positions for the same at-large office.

63 (iii) "Race," as the term relates to a contest for a municipal council position that is not
 64 an at-large position, includes only the contest to represent a particular district on the council.

65 (2) A municipal legislative body may cancel a local election if:

66 (a) the ballot for the local election will not include any contested races or ballot
 67 propositions; and

68 (b) the municipal legislative body passes, no later than 20 days before the day of the
 69 scheduled election, a resolution that cancels the election and certifies that:

70 (i) the ballot for the election would not include any contested races or ballot
 71 propositions; and

72 (ii) the candidates who qualified for the ballot are considered elected.

73 (3) A municipal legislative body may cancel a race in a local election if:

74 (a) the ballot for the race will not include any contested races or ballot propositions;
 75 and

76 (b) the municipal legislative body passes, no later than 20 days before the day of the
 77 scheduled election, a resolution that cancels the race and certifies that:

78 (i) the ballot for the race would not include any contested races or ballot propositions;
 79 and

80 (ii) the candidate for the race is considered elected.

81 ~~[(2)]~~ (4) A municipal legislative body that cancels a local election in accordance with
 82 Subsection ~~[(1)]~~ (2) shall give notice that the election is cancelled by:

83 (a) subject to Subsection ~~[(5), posting notice]~~ (8), providing notice to the lieutenant
 84 governor's office to be posted on the Statewide Electronic Voter Information Website ~~[as]~~
 85 described in Section 20A-7-801, for 15 consecutive days before the day of the scheduled
 86 election;

87 (b) if the municipality has a public website, posting notice on the municipality's public
 88 website for 15 days before the day of the scheduled election;

89 (c) if the elected officials or departments of the municipality regularly publish a printed

90 or electronic newsletter or other periodical, publishing notice in the next scheduled newsletter
91 or other periodical published before the day of the scheduled election;

92 (d) (i) publishing notice at least twice in a newspaper of general circulation in the
93 municipality before the day of the scheduled election;

94 (ii) at least 10 days before the day of the scheduled election, posting one notice, and at
95 least one additional notice per 2,000 population within the municipality, in places within the
96 municipality that are most likely to give notice to the voters in the municipality, subject to a
97 maximum of 10 notices; or

98 (iii) at least 10 days before the day of the scheduled election, mailing notice to each
99 registered voter in the municipality; and

100 (e) posting notice on the Utah Public Notice Website, created in Section 63A-16-601,
101 for at least 10 days before the day of the scheduled election.

102 [~~(3) A local district board may cancel an election as described in Section 17B-1-306~~
103 ~~if:]~~

104 [~~(a) (i) (A) any local district officers are elected in an at-large election; and]~~

105 [~~(B) the number of local district officer candidates for the at-large local district offices;~~
106 ~~including any eligible write-in candidates under Section 20A-9-601, does not exceed the~~
107 ~~number of open at-large local district offices for which the candidates have filed; or]~~

108 [~~(ii) (A) the local district has divided the local district into divisions under Section~~
109 ~~17B-1-306.5;]~~

110 [~~(B) the number of local district officer candidates, including any eligible write-in~~
111 ~~candidates under Section 20A-9-601, for the at-large local district offices within the local~~
112 ~~district, if any, does not exceed the number of open at-large local district offices for which the~~
113 ~~candidates have filed; and]~~

114 [~~(C) each local district officer candidate, including any eligible write-in candidates~~
115 ~~under Section 20A-9-601, in each division of the local district is unopposed;]~~

116 [~~(b) there are no other local district ballot propositions; and]~~

117 [~~(c) the local district governing body, no later than 20 days before the day of the~~
118 ~~scheduled election, adopts a resolution that cancels the election and certifies that:]~~

119 [~~(i) each local district officer candidate is:]~~

120 [~~(A) unopposed; or]~~

121 ~~[(B) a candidate for an at-large local district office for which the number of candidates~~
 122 ~~does not exceed the number of open at-large local district offices; and]~~

123 ~~[(ii) a candidate described in Subsection (3)(c)(i) is considered to be elected to office.]~~

124 (5) A local district board may cancel a local election if:

125 (a) the ballot for the local election will not include any contested races or ballot
 126 propositions; and

127 (b) the local district board passes, no later than 20 days before the day of the scheduled
 128 election, a resolution that cancels the election and certifies that:

129 (i) the ballot for the election would not include any contested races or ballot
 130 propositions; and

131 (ii) the candidates who qualified for the ballot are considered elected.

132 (6) A local district board may cancel a local district race if:

133 (a) the race is uncontested; and

134 (b) the local district board passes, no later than 20 days before the day of the scheduled
 135 election, a resolution that cancels the race and certifies that the candidate who qualified for the
 136 ballot for that race is considered elected.

137 ~~[(4)]~~ (7) A local district that cancels a local election in accordance with Subsection
 138 ~~[(3)]~~ (5) shall provide notice that the election is cancelled:

139 (a) subject to Subsection ~~[(5)]~~ (8), by posting notice on the Statewide Electronic Voter
 140 Information Website ~~[as]~~ described in Section [20A-7-801](#), for 15 consecutive days before the
 141 day of the scheduled election;

142 (b) if the local district has a public website, by posting notice on the local district's
 143 public website for 15 days before the day of the scheduled election;

144 (c) if the local district publishes a newsletter or other periodical, by publishing notice
 145 in the next scheduled newsletter or other periodical published before the day of the scheduled
 146 election;

147 (d) (i) by publishing notice at least twice in a newspaper of general circulation in the
 148 local district before the scheduled election;

149 (ii) at least 10 days before the day of the scheduled election, by posting one notice, and
 150 at least one additional notice per 2,000 population of the local district, in places within the
 151 local district that are most likely to give notice to the voters in the local district, subject to a

152 maximum of 10 notices; or

153 (iii) at least 10 days before the day of the scheduled election, by mailing notice to each
154 registered voter in the local district; and

155 (e) by posting notice on the Utah Public Notice Website, created in Section
156 [63A-16-601](#), for at least 10 days before the day of the scheduled election.

157 [~~5~~] (8) A municipal legislative body that posts a notice in accordance with Subsection
158 [~~2~~] (4)(a) or a local district that posts a notice in accordance with Subsection [~~4~~] (7)(a) is
159 not liable for a notice that fails to post due to technical or other error by the publisher of the
160 Statewide Electronic Voter Information Website.